

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

CITGO PETROLEUM CORP.,

Plaintiff,

v.

PETROLEUM LOGISTICS SERVICE CORP., and PAUL M. COWAN, IN HIS CAPACITY AS CURATOR OF THE ESTATE OF JOSE MANUEL GONZALEZ TESTINO,

Defendants.

Civil Case No. 4:20-cv-01820

Jury Trial Demanded

PLAINTIFF'S STATUS REPORT

On August 30, 2023, the Court entered an Order Staying and Administratively Closing this Case (the “Order”). ECF No. 43. The Order requires CITGO Petroleum Corporation (“CITGO”) to provide status reports every 90 days and to move to reopen the case when CITGO is ready to file its Motion for Default Judgment. CITGO’s status update pursuant to the Order follows.

CITGO continues to diligently prepare its Motion for Default Judgment, but in light of Jose Manuel Gonzalez Testino’s death on March 1, 2023, additional preliminary steps were necessary, including seeking the appointment of a curator and filing a Motion to Substitute, ECF No. 44. On October 13, 2023, CITGO moved to substitute the curator of Testino’s estate, Paul M. Cowan (“Cowan”), in place of Testino as a Defendant in this

lawsuit. ECF No. 44. On November 9, 2023, the Court held a hearing on CITGO's Motion to Substitute and granted it. ECF No. 47; ECF No. 48.

Having now substituted the curator of Testino's estate as a Defendant in place of Testino, CITGO expects to complete its Motion for Default Judgment and a corresponding expert damages report prior to the next status report due to this Court.¹ Once those documents are complete, CITGO will move to reopen the case and file the Motion for Default Judgment.

Dated: November 28, 2023

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¹ The next status report is due February 26, 2024.

CERTIFICATE OF SERVICE

Under Federal Rule of Civil Procedure 5(a)(2), “[n]o service is required on a party who is in default for failing to appear.” Defendant Petroleum Logistics Services Corp. failed to appear, and the Clerk of the District Court entered default on January 22, 2021. ECF No. 31. As such, CITGO will not serve this filing on Defendant Petroleum Logistics Service Corp.

The undersigned certifies that the foregoing document will be served by certified mail on Paul M. Cowan, curator of the estate of Jose Manuel Gonzalez Testino, in accordance with the service provisions of Rule 5 of the Federal Rules of Civil Procedure.

Dated: November 28, 2023

By: /s/ Jennifer Hardy

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